

# **BOONE COUNTY BOARD OF COMMISSIONERS**

## **MINUTES OF THE FEBRUARY 6, 2023 MEETING**

The Boone County Board of Commissioners met in regular session at 9:00 AM on Monday, February 6, 2023 in the Connie Lamar Meeting Room located on the main floor of the Boone County Annex Building at 116 W. Washington Street, Room 105, Lebanon, IN 46052 with the following personnel in attendance:

Donnie Lawson	Commissioner, President
Jeff Wolfe	Commissioner, Vice President
Tim Beyer	Commissioner
Bob Clutter	County Attorney
Kaylee Jessie	Administrative Assistant

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### **DETERMINATION OF QUORUM AND PLEDGE TO THE FLAG**

Commissioner Lawson opened the meeting at 9:17 AM with a quorum of all three (3) Commissioners present and led the Pledge to the Flag in unison.

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### **IN THE MATTER OF MINUTES**

Commissioner Wolfe moved to approve the Minutes of January 17, 2023 Commissioners' Meeting as presented. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

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### **IN THE MATTER OF MEMORANDUM FOR JANUARY 17, 2023**

Commissioner Wolfe moved to approve the Memorandum for January 17, 2023 Commissioners' Executive Session as presented. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

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### **IN THE MATTER OF LEGAL ISSUES**

***Attorney Bob Clutter presented the following items:***

- 1) Maintenance Bond for 267 Industrial Park Subdivision Farrell Drain Tile Relocation for Acceptance.
  - Farrell Tile Relocation in the amount of \$62,080.
- 2) Performance Bond for 267 Industrial Park Subdivision Farrell Drain Tile Relocation for Release.
  - Farrell Tile Relocation in the amount of \$248,320.
- 3) Release Irrevocable Letter of Credit for Jackson Run Phase 2.
  - Erosion Control & Storm Sewer in the amount of \$450,000.
- 4) Performance Bond for Grassy Branch Reconstruction Phase 1 for acceptance.
  - Grassy Branch Reconstruction in the amount of \$78,787.

The Boone County Surveyor's Office has reviewed the bonds and recommend approval.

Commissioner Beyer moved to approve the bonds as submitted. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

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## **IN THE MATTER OF TRANSIT SUMMARY FOR 2022**

Anita Bowen, Executive Director at Boone County Senior Services Inc. (BCSSI), presented a Boone Area Transit System (BATS) summary update for last year. BATS is the County's public transportation program that has been in place since 2006. The County is the Grant Recipient and BATS is the service provider. There are currently eighteen drivers for the program. They are actively looking to hire more drivers. They also have eighteen vehicles, plus three on order. The drivers take individuals to appointments, work, school, and etcetera. In 2022, BATS completed 19,144 trips, which is up from 2021 at 17,339 trips. They are slowly rebounding from the pandemic. BATS assisted 783 individuals with transportation last year. This year's budget for the transit program is \$749,725, plus the state and federal match.

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## **IN THE MATTER OF 4<sup>th</sup> QUARTER BOONE AREA TRANSIT SYSTEM 5311 CLAIM**

Anita Bowen, Executive Director at Boone County Senior Services Inc. (BCSSI), presented the 4<sup>th</sup> Quarter Boone Area Transit System 5311 Claim. The current request is for \$79,199.

Commissioner Beyer moved to approve the 4<sup>th</sup> Quarter Boone Area Transit System 5311 Claim. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

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## **IN THE MATTER OF GOVERNMENT UTILITIES TECHNOLOGY SERVICE INC WEB SERVICES AGREEMENT**

Sean Horan, IT/Government Utilities Technology Service Inc (GUTS), presented the addendum to the Web Services Support and Management Agreement. The agreement for WEB site services, support and management is being amended to extend the term an additional 24-months and will end on January 31, 2025. Additionally, the current annual compensation of \$40,900 will be increased to \$42,000, as approved in the 2023 budget. The functionality and maintenance of the website have increased significantly. Most offices have recognized the benefit to the taxpayers having information available on the website.

Commissioner Wolfe moved to approve the GUTS addendum to the Web Services Support and Management Agreement. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

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## **IN THE MATTER OF REQUEST TO ADD TWO CELL PHONES TO THE PLAN FOR THE HEALTH DEPARTMENT**

Abby Messenger, Director of Environmental Health, presented the request to add two cell phones lines to the County's plan for the department new hires.

Commissioner Beyer moved to approve adding two cell phones lines to the County's plan. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

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## **IN THE MATTER OF RESOLUTION 2023-02 AUTHORIZING DISPOSAL OF SURPLUS PROPERTY - HEALTH**

Bob Clutter, County Attorney, presented the Resolution 2023-02 authorizing disposal of surplus property for the Boone County Health Department and read it aloud in pertinent parts pursuant to state law. The Boone County Health Department previously acquired a certain 2019 Continental Cargo mobile morgue trailer. The counties in Region 5 all pitched in to purchase the Trailer and it has been housed within Boone County for a few years. It is the health department's desire to transfer the Trailer to the Indiana District 5 Healthcare Coalition, a governmental not-for-profit agency of the State of Indiana. The Trailer will be readily available for the counties in Region 5.

Commissioner Wolfe moved to approve Resolution 2023-02 authorizing disposal of surplus property for the Boone County Health Department. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

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### **IN THE MATTER OF KEY2BUSINESS CARD REQUEST FOR FACILITIES**

Max Mendenhall, Director of Capital Investments, presented the Key2Business Credit Card Application for the facilities department.

Commissioner Wolfe moved to approve Key2Business Credit Card Application. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

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### **IN THE MATTER OF PROJECT 2023-02 BUTLER FAIRMAN SEUFERT TASK ORDER #29 FOR CONSTRUCTION INSPECTION SERVICES**

Nick Parr, Director of Highway Department, presented Task Order #29 with Butler Fairman and Seufert for the construction inspection and oversight of Project 2023-02, hot mix asphalt resurfacing. This is an hourly agreement and the total not to exceed is \$98,515.

Commissioner Beyer moved to approve Task Order #29 with Butler Fairman and Seufert. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

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### **IN THE MATTER OF HNTB MASTER SERVICES AGREEMENT, TASK ORDER #1 and #2**

Nick Parr, Director of Highway Department, presented the Master Services Agreement with HNTB Indiana Inc. This is an hourly agreement.

HNTB Task Order #1 for LiDAR data collection services which has a not to exceed of \$10,000.

HNTB Task Order #2 is for data processing and quantity estimating with a not to exceed of \$25,200.

In an effort to better identify and define issues and concerns that need to be addressed on our roads for our hot mix asphalt (HMA) resurfacing projects, we plan to use LiDAR to gather data that will improve our paving projects. This will allow us to better identify and document patching locations and quantify material estimates that are included in contract documents.

Commissioner Beyer moved to approve HNTB Master Services Agreement, Task Order #1 and Task Order #2. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

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## **IN THE MATTER OF BRIDGE 139 PE AGREEMENT WITH CHA**

This item was tabled for a future meeting.

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## **IN THE MATTER OF BAUMGARTNER ASPHALT SERVICES, PROJECT 2023-02 HMA RESURFACING**

The Boone County Highway Department sought feedback from contractors after last year's resurfacing project to get better bids on future projects. After receiving feedback, they modified the timing of the bids and the number of roads that are included in each alternate in anticipation of receiving better bids. Even though the department used an average of the previously bid unit prices for our projects, this project came in substantially overestimate.

The Boone County Highway Department had to eliminate roads from the project in order to move forward with this project, the roads that have been excluded and the explanation are as follows:

### **Alternate 1 A – Patching of CR 500 E from CR 300 S to SR 32**

- This alternate was excluded due to the total amount of the bids. We have not previously bid patching without an overlay in our HMA projects and our staff can take care of the immediate needs, with intent of resurfacing this road in the future.

### **Alternate 1 C – Patching of CR 550 S from CR 700 E to CR 800 E**

- Due to the vast amount of construction and road closures in the immediate area, we have determined it would not be the best use of funds to engage a contractor for this work on the timeline that is available for completion. However, this road is going to need significant repair frequently in spite of our efforts, due the amount and weight of the traffic that uses it. There is a substantial amount of construction in the area and this road is regularly used as an alternate to Oak Street, which will be closed to traffic this summer as a roundabout is constructed at Oak St. and Kissel Road.

### **Alternate 2 – CR 550 S from CR 200 E to SR 267**

- This Alternate was the first one anticipated to be not awarded if bids came in overestimate. It was included in the project in hopes of bids coming in underestimate and we could award the entire project. In the next few years an expansion could be needed on 550 S depending on development that is currently under construction just east of this road. We have also been notified that Prologis is looking at developing the site north of 550 S west of SR 267 which would likely mean a section of the road would be improved as part of that project.

For this project, the recommendation is to award Base Bid A through E and Alternate 1 B & D.

The Boone County Highway Department has learned from the HMA projects the last couple of years that it is important to leave some budgeted dollars available for issues that arise during construction causing change orders. We historically awarded the entire contract and maximized our annual budgeted amount for HMA resurfacing and that has hindered our ability to move forward with crackfill and microsurfacing projects.

For 2023, we are seeking to award the HMA project to allow for the change orders and still plan to move forward with other road preservation projects, striping project and sidewalk project as they all are paid for out of the same funds.

The Boone County Highway Department requested execution of the agreement with the low bidder for the Base bid and selected alternates, Baumgartner & Company Asphalt Services for the total amount of \$2,897,511.20.

Commissioner Beyer moved to approve awarding the Baumgartner & Company Asphalt Services for the Base bid and selected alternated for Project 2023-02, HMA Resurfacing. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

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## IN THE MATTER OF AMERICAN RESCUE PLAN PROJECT LIST UPDATE

Commissioner Beyer moved the amend the County's American Rescue Plan Act funding plan as follows:

*A. Proposed Actions to Support Public Health Expenditures.*

- i. Investment in Boone County Drug Court – Estimated cost of \$80,000 (EC 1.13)
- ii. Infirmary and programming space at county correctional facility for treatment of inmates and to provide space for mental health and substance abuse programming – Estimated cost of \$2,250,000 (EC 1.12)
- iii. Economic Development Corporation/Community Corrections life skills and financial training – Estimated cost of \$125,000 (EC 2.10)
- iv. **Boone County Child Advocacy Center (CAC) and Witham Hospital for Center of Hope – Estimated Cost \$10,000 (EC1.12)**

*B. Proposed Actions to Respond to the Negative Economic Impacts of COVID-19.*

- i. Grant to Convention and Visitors Bureau for lost revenues – Estimated cost of \$280,000 (EC 2.35)
- ii. Grant to Witham Hospital for lost revenues – Estimated cost of \$350,000 (EC 2.36)

*C. Proposed Uses for the Replacement of Lost Public Sector Revenues.*

- i. County information technology updates and cybersecurity improvements to protect citizen health data – Estimated cost of \$350,000 (EC 6.1)
- ii. Protective and remote equipment for Boone County Highway Department – Estimated cost of \$110,000 (EC 6.1)
- iii. Boone County Child Advocacy Center (CAC) for lost revenues - Estimated cost of \$21,400

*D. Proposed Actions to Invest in Water, Sewer and Broadband Infrastructure.*

- i. Grassy Branch regulated drain and two bridge replacements necessary for reconstruction – Estimated cost of \$3,000,000 (EC 5.6)
- ii. Thorntown sanitary sewer project and lagoon enlargement – Estimated cost of \$2,000,000 (EC 5.2)
- iii. Broadband service expansion – Estimated cost of \$2,000,000 (EC 5.21)
- iv. Terhune drainage improvements – Estimated cost of \$300,000 (EC 5.6)
- v. **Pearson regulated drain reconstruction and replacement or repair of bridges and culverts necessary for reconstruction – Estimated cost of \$150,000 (EC 5.6)**
- vi. Jackson Run two-stage ditch improvements to County Road 650 East – Estimated cost of \$400,000 (EC 5.6)
- vii. Trailside 36-inch outlet across Main Street – Estimated cost of \$250,000 (EC 5.6)
- viii. Carroll regulated drain reconstruction – Estimated cost of \$500,000 (EC 5.6)
- ix. Advance wastewater generators project – Estimated cost of \$132,000 (EC 5.2)
- x. **Highway Department for Bridge 21 – Estimated cost of \$225,000 (EC 5.6)**

*E. Revenue Replacement and Administrative Expenses*

- i. Costs of administering the program (EC 7.1)
- ii. Provision of government services, replacing lost revenue – All remaining funds (EC 6.1)

Commissioner Wolfe seconded the motion; motion passed unanimously 3-0.

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**IN THE MATTER OF OLD BUSINESS**

1. Appointments for 2023

- Hussey Library Board
  - Colleen Hittle for a 4-year term 01/01/2023 – 12/31/2026. Colleen was present at today's meeting and gave a brief introduction.
- CVB
  - Wendy McMann for a 2-year term 01/01/2023 – 12/31/2024
  - Commissioner Lawson for a 1-year commissioner term 01/01/2023 – 12/31/2023
- JRAC
  - Commissioner Lawson
- MPO
  - Nick Parr
  - Mike Goralski
  - Commissioner Beyer
- Insurance Committee
  - Commissioner Wolfe
  - Councilwoman Jennifer Hostetter

Commissioner Wolfe moved to approve the appointments as presented. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

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**IN THE MATTER OF STAFF REPORTS**

- APC –
- Capital Investments / Facilities – Max Mendenhall
- Health Department – Lisa Younts / Abby Messenger
- Highway Department – Nick Parr
- Human Resources – Megan Smith
- IT Support – GUTS
- Soil & Water
- Other Elected Officials

*Nick Parr, Director of Highway Department presented the following items:*

- 1) Construction in right-of-way permit (#202310004) for Centerpoint Energy at 1690 E CR 400 S to 2395 E 400 S in Lebanon to install new gas main. The Boone County Highway Department recommends approval with a \$60,000 Bond.

Commissioner Wolfe moved to approve the construction in right-of-way permit (#202310004) for Centerpoint Energy. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.



- 2) Construction in right-of-way permit (#202310005) for AT&T for the relocation of utilities for Project # 2019-04, Bridge 192. The Boone County Highway Department recommends approval and to waive the bond requirements due to it being for a county project.  
Commissioner Beyer moved to approve the construction in right-of-way permit (#202310005) for AT&T. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.
- 3) Construction in right-of-way permit (#202310006) for Miller Pipeline at 4393 E CR 300 S in Whitestown to provide new service for customer. The Boone County Highway Department recommends approval with a \$5,000 Bond.  
Commissioner Wolfe moved to approve the construction in right-of-way permit (#202310006) for Miller Pipeline. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.
- 4) Construction in right-of-way permit (#202310007) for Miller Pipeline at 8220 E 500 S in Zionsville to provide new service to customer. The Boone County Highway Department recommends approval with a \$5,000 Bond.  
Commissioner Wolfe moved to approve the construction in right-of-way permit (#202310007) for Miller Pipeline. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.
- 5) The request to release the Maintenance Bond for Wabash Valley Power Alliance for the construction in right-of-way permit (#202110005) at CR 200 S and Middle Jamestown Road. The Boone County Highway Department recommends approval.  
Commissioner Wolfe moved to approve the request to release the Maintenance Bond. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.
- 6) The request to release the Maintenance Bond for TDS Telecom for the construction in right-of-way permit (#202010007) at SR 267 and I-65 Project Relocation The Boone County Highway Department recommends approval.  
Commissioner Beyer moved to approve the request to release the Maintenance Bond. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.
- 7) Award letters have been issued for the SS4A Grant. Unfortunately, Boone County was not successful in that application. There were no implementation projects awarded in Indiana, all planning grants. Mike Goralski, County Engineer, has requested a debrief to get a better idea on what Boone County can submit for in the future.

***Brian Daggy, Soil & Water Conservation District presented the following items:***

- 1) The Soil & Water held a meeting last week at the fairgrounds in concert with the conservation demo plots, over sixty (60) farmers in attendance.
- 2) Continued efforts working with Urban and Ag communities.
- 3) Rental equipment accessible – small no-till drill, grass seeder, and a vertical till with air seeder.
- 4) Various cost share efforts.
- 5) Request to continue use of the ten (10) acres that is also known as the “Boone County Conservation Demo and Education” plots located just north of the fairgrounds. They hold a few meeting out there every year to continue education within the community. There is also a woodlands workshop held out there each year.
- 6) Mr. Daggy announced his retirement from Boone County. He has enjoyed working with everyone and is thankful for all the support.

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### **IN THE MATTER OF DOCUMENT SIGNING**

- 1) Affidavit for payment to GM Development Companies LLC in the amount of \$29,193.80 for the construction of the Boone County Justice Center Expansion.

Commissioner Wolfe moved to approve the affidavit for payment to GM Development Companies LLC. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 2) Two affidavits for payment to JDH Contracting Inc for the Boone County Justice Center project.

i. Invoice# 78249 in the amount of \$36,779.07.

ii. Invoice# 78250 in the amount of \$19,500.00.

Commissioner Beyer moved to approve ratifying the two affidavits for payment to JDH Contracting Inc previously signed by Commissioner Wolfe on January 30, 2023. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 3) Claims Dockets – regular, prepaids, payroll, and insurance.

Commissioner Wolfe moved to approve Budgetary Claims presented from the Auditor's Office. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

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### **IN THE MATTER OF MAIL**

See (**Appendix #3**) for a list of mail opened by the Commissioners on this date.

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### **IN THE MATTER OF ADJOURNMENT**

With no further business, Commissioner Beyer moved to adjourn the Boone County Commissioners' Meeting at 9:58 AM on Monday, February 6, 2023. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.